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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/583,301	05/30/2000	Robert Seliger	S1389/7009	2275

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EXAMINER

JACOBS, LASHONDA T

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 02/27/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/583,301

Applicant(s)

SELIGER, ROBERT

Examiner

LaShonda T. Jacobs

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,3,4 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371 (c) of this title before the invention thereof by the applicant for patent.

2. Claims 1-3, 8-9, 12-22, 26-31, 33-35, 37-45, and 47 are rejected under 35 U.S.C. 102(e) as being anticipated by Hayes, Jr. (hereinafter, "Hayes", 6,237,092).

As per claim 1, Hayes discloses a context management server appliance, comprising:

- a computer system having a power supply input and a network input/output (I/O) port (col. 7, lines 7-12);
- a memory in which stored a set of instructions defining a context management server which delivers context management information to client applications (col. 2, lines 51-67); and
- memory in which stored a set of instructions defining a software interface for administering the context management server over the network using a general-purpose client interface (col. 5, lines 58-67, and col. 6, lines 1-15).

As per claim 2, Hayes discloses:

- a memory in which is stored configuration information for the context management server, whereby the context management server can bootstrap without requiring user intervention (col. 3, lines 45-48, and col. 4, lines 30-36).

As per claim 3, Hayes discloses:

- a memory in which is stored a set instructions which when executed connect to the server appliance to the network absent user intervention (col. 3, lines 45-48, and col. 4, lines 30-36).

As per claim 8, Hayes discloses a context management web server accessible through a network comprising:

- a computer memory in which is stored a set of instructions defining a context manager accessible to managed applications through the network (col. 2, lines 51-67); and
- a computer memory in which is stored a set of instructions defining a context vault accessible to the context manager (col. 8, lines 47-53).

As per claim 9, Hayes discloses:

- wherein the context vault is accessible to the context manager through the network (col. 8, lines 47-53).

As per claim 12, Hayes discloses a method for context management over a network, comprising:

- receiving, on a server appliance, via the network, a first network message, in accordance with a network communication protocol, containing information pertaining to the context management action (col. 9, lines 26-50);
- performing, on the server appliance, an act pertaining to the context management action (col. 9, lines 21-25); and

- sending, from the server appliance, via the network, a second network message, in accordance with the network communication protocol, containing information pertaining to the context management action (col. 9, lines 26-50).

As per claim 30, Hayes discloses a context management system:

- a memory holding context management software (col. 5, lines 58-67, and col. 6, lines 1-15);
- a network connection (col. 7, lines 7-19);
- a processor executing instructions corresponding to said context management software (col. 7, lines 7-19); and
- a network, coupled to the server appliance via the network connection, said network carrying information pertaining to context management actions to and from the server appliance (col. 7, lines 7-19).

As per claim 39, Hayes discloses a method for context management comprising:

- exchanging context data, over a network, between a context management server coupled to the network and a plurality of client applications, installed on a corresponding plurality of computers (col. 9, lines 26-50).

As per claim 42, Hayes discloses a context management system comprising:

- a server having context management software stored thereon, said server communicating over a network with a plurality of client applications, said applications residing on a corresponding plurality of computers, coupled to said network, and interacting with said context management software by exchanging data over said network (col. 9, lines 26-50).

As per claim 13, Hayes discloses:

- wherein performing the act pertaining to context management comprises performing a processing function in a context manager implemented on the server appliance (col. 13, lines 46-56).

As per claim 14, Hayes discloses:

- wherein performing the act pertaining to context management comprises performing a processing function in a context vault implemented on the server appliance (col. 13, lines 46-50).

As per claim 15, Hayes discloses:

- wherein performing the act pertaining to context manager comprises performing processing functions, in each of a context manager and a context vault, each of which is implemented on the server appliance (col. 13, lines 46-50).

As per claim 17, Hayes discloses:

- wherein receiving and sending the network messages is done using the TCP/IP (col. 1, lines 31-35).

As per claim 18, Hayes discloses:

- wherein receiving and sending the network messages is done using the HTTP protocol (col. 1, lines 31-35).

As per claim 19, Hayes discloses:

- adapting an existing server appliance for use as a context management server appliance (col. 8, lines 47-53).

As per claim 20, Hayes discloses:

- adapting the existing server appliance comprises installing context management software onto the existing server appliance (col. 8, lines 47-53).

As per claim 21, Hayes discloses:

- sending information, from a context client, on a server appliance, over the network (col. 7, lines 28-46).

As per claim 22, Hayes discloses:

- receiving information, from the server appliance, on a context client, over the network (col. 7, lines 28-46).

As per claims 26 and 34, Hayes discloses:

- coupling the server appliance to a Web server, said Web server managing communication between the server appliance and other elements coupled to the network (col. 8, lines 47-53).

As per claims 27 and 35, Hayes discloses:

- running software on the Web server capable of supporting Web browser applications and an interface to client applications (col. 8, lines 47-53).

As per claims 28 and 33, Hayes discloses:

- wherein the network is any of: a wide area network, local area network and the Internet (col. 7, lines 7-17).

As per claim 29, Hayes discloses:

- performing a coding act wherein context data is represented by corresponding numeric (col. 9, lines 26-35).

As per claim 31, Hayes discloses:

Art Unit: 2157

- wherein the server appliance is a context management server appliance implemented on an existing server appliance (col. 8, lines 47-53).

As per claim 37, Hayes discloses:

- wherein the server appliance comprises a context manager (col. 13, lines 46-50).

As per claim 38, Hayes discloses:

- wherein the server appliance comprises a context vault (col. 13, lines 46-50).

As per claim 40, Hayes discloses:

- wherein exchanging the context data is performed using an Internet-based communication protocol (col. 1, lines 31-35).

As per claims 41 and 47, Hayes discloses:

- representing the context data with coded values (col. 9, lines 26-35).

As per claim 43, Hayes discloses:

- wherein the server further comprises Web server software (col. 8, lines 47-53).

As per claim 44, Hayes discloses:

- a context vault coupled to the server (col. 8, lines 47-53).

As per claim 45, Hayes discloses:

- wherein the network is the Internet (col. 1, lines 10-20).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

Art Unit: 2157

such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4-5, 16, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayes in view of Smith et al (hereinafter, "Smith", 6,064,973).

As per claim 4, Hayes discloses the claimed invention substantially as claimed.

However, Hayes fails to explicitly disclose:

- a memory in which is stored a set of instructions which when executed balance a processing load on the server appliance with a processing load on another server appliance.

Smith discloses:

- a memory in which is stored a set of instructions which when executed balance a processing load on the server appliance with a processing load on another server appliance (col. 7, lines 46-57).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hayes and Smith by storing instructions which when executed balance a processing load on the server appliance with a processing load on another server appliance allowing requests to be processed in a timely manner in order to balance the load on a set of servers processing the requests.

As per claim 5, Hayes discloses the claimed invention substantially as claimed.

However, Hayes fails to explicitly disclose:

- a memory in which is stored a set of instructions which when executed transfers a processing load from a failed server appliance to another server appliance.

Smith discloses:

- a memory in which is stored a set of instructions which when executed transfers a processing load from a failed server appliance to another server appliance (col. 7, lines 46-57).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hayes and Smith by storing instructions which when executed transfers a processing load from a failed server appliance another server appliance allowing requests to be processed in a timely manner in order to balance the load on a set of servers processing the requests.

As per claim 16, Hayes discloses the claimed invention substantially as claimed.

However, Hayes fails to explicitly disclose:

- determining whether to use the server appliance or another, similarly configured network appliance, based on load sharing considerations.

Smith discloses:

- determining whether to use the server appliance or another, similarly-configured network appliance, based on load sharing considerations (col. 7, lines 46-57).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hayes and Smith by determining whether to use the server appliance or another, similarly-configured network appliance, based on load sharing considerations allowing requests to be processed in a timely manner in order to balance the load on a set of servers processing the requests.

As per claim 32, Hayes discloses the claimed invention substantially as claimed.

However, Hayes fails to explicitly disclose:

Art Unit: 2157

- a load manager for distributing context management loads between a plurality of servers.

Smith discloses:

- a load manager for distributing context management loads between a plurality of servers.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hayes and Smith by having a load manager for distributing context management loads between a plurality of servers allowing requests to be processed in a timely manner in order to balance the load on a set of servers processing the requests.

5. Claims **6-7**, **10-11**, **36** and **46** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayes in view of Johnson et al (hereinafter, "Johnson", 5,664,109).

As per claims **6**, **10**, **36** and **46**, Hayes discloses the claimed invention substantially as claimed.

However, Hayes fails to explicitly disclose:

- a memory in which is stored a Master Patient Index.

Johnson discloses:

- a memory in which is stored a Master Patient Index (col. 10, lines 27-30, and col. 11, lines 5-22).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hayes and Johnson by storing a Master Patient Index in the memory to keep personal information about a patient.

As per claims 7 and 11, Hayes discloses the claimed invention substantially as claimed.

However, Hayes fails to explicitly disclose:

- a memory in which is stored a healthcare coding index.

Johnson discloses:

- a memory in which is stored a healthcare coding index (col. 9, lines 38-44).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hayes and Johnson by storing a healthcare coding index in the memory to retrieve personal information about a patient.

As per claim 23, Hayes discloses the claimed invention substantially as claimed.

However, Hayes fails to explicitly disclose:

- wherein the context management action pertains to patient medical care.

Johnson discloses:

- wherein the context management action pertains to patient medical care (col. 3, lines 19-27).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hayes and Johnson by having the context management action pertains to patient medical care to retrieve personal information about a patient.

As per claim 24, Hayes discloses the claimed invention substantially as claimed.

However, Hayes fails to explicitly disclose:

- wherein the context management action pertaining to patient medical care comprises an action on a master patient index (MPI).

Johnson discloses:

- wherein the context management action pertaining to patient medical care comprises an action on a master patient index (MPI) (col. 10, lines 27-30, and col. 11, lines 5-22).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hayes and Johnson by having the context management action pertaining to patient medical care comprises an action on a master patient index (MPI) to keep personal information about a patient.

As per claim 25, Hayes discloses the claimed invention substantially as claimed.

However, Hayes fails to explicitly disclose:

- wherein the context management action pertaining to patient medical care comprises is in accordance with a healthcare industry standard.

Johnson discloses:

- wherein the context management action pertaining to patient medical care comprises is in accordance with a healthcare industry standard (col. 9, lines 38-44).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hayes and Johnson by having the context management action pertaining to patient medical care comprises is in accordance with a healthcare industry standard to retrieve personal information about a patient.

Art Unit: 2157

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 6,260,021 to Wong et al.

U.S. Pat. No. 6,119,145 to Ikeda et al.

U.S. Pat. No. 6,134,594 to Helland et al.

U.S. Pat. No. 6,205,476 to Hayes, Jr.

U.S. Pat. 6,337, 994 to Ault et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShonda T. Jacobs whose telephone number is 703-305-7494.

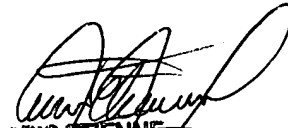
The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 703-308-7562. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

LaShonda T. Jacobs
Examiner
Art Unit 2157

ltj
February 24, 2003


ARIO ETIENNE
SUPERVISORY PATENT EXAMINER
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